

UNITED STATES DISTRICT COURT

DEC 18 2018

for the
Western District of Arkansas

DOUGLAS F. YOUNG, Clerk
By
Deputy Clerk

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The Facebook Account
"James Daniel"

Case No.

18 cm 116

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT "A," this court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41

located in the _____ District of _____, there is now concealed (identify the person or describe the property to be seized):
SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

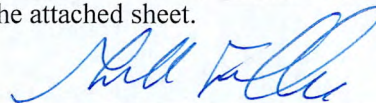
Code Section
18 U.S.C. 2261A(2)(B)

Stalking

Offense Description

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Gerald Faulkner, Special Agent

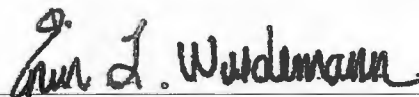
Printed name and title

Sworn to before me and signed in my presence.

Date:

December 18, 2018

City and state: Fayetteville, Arkansas



Judge's signature

Magistrate ERIN WIEDEMANN

Printed name and title

ATTACHMENT A
Property to Be Searched

This warrant applies to information associated with the Facebook user IDs:

“James Daniel” <https://www.facebook.com/profile.php?id=1329067103>

that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

I. Information to be disclosed by Facebook (the “Provider”)

Accounts identified with the Facebook user IDs and/or usernames and addresses of Provider account, **“James Daniel”** <https://www.facebook.com/profile.php?id=1329067103>, that is still available by the Provider; or that has been preserved in that Provider account pursuant to a request made under 18 U.S.C. §2703(f). The Provider must disclose to the government the following content or information contained in Facebook Account **“James Daniel”** <https://www.facebook.com/profile.php?id=1329067103>:

Basic Subscriber Information (sometimes referred to as a Neoselect) to include but not limited to:

- User Identification Number;
- E-mail address;
- Date and time stamp of account creation date displayed in Coordinated Universal Time;
- Most recent logins in Coordinated Universal Time;
- Registered mobile number.

Expanded Subscriber Content (sometimes referred to as Neoprint) to include but not limited to:

- Profile contact information;
- Mini-Feed;
- Status Update History;
- Shares;
- Notes;
- Wall Postings;
- Friend Listing, with Friends Facebook ID’s;
- Groups Listing, with Facebook Group ID’s’
- Future and Past Events;
- Video Listing, with filename;
- Postings and comments by target profile to the Facebook user profile of Dr. “Michael Hurd”

User Photos (sometimes referred to as User Photoprint) and may include photos uploaded by the user and photos uploaded by other users that have the requested user tagged in them.

Group Information will include the BSI of the group creator/administrator and the current status of the group.

Private Messages

IP Logs to include:

- Viewtime-Date of execution, in Pacific Time Zone;
- Userid-The Facebook user ID of the account active for the request;
- IP-Source IP Address;
- Script-Script executed;
- Session Cookie-Http cookie set by user session.

And all Facebook instant messages, Facebook e-mails, posting, IP logs, video postings, picture postings, associated phone numbers in the account, associated e-mail addresses, home mail addresses, contact lists, log files and or friends list on Facebook

II. Information to be seized by the government

The government is authorized to seize only information described in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of Title 18, United States Code, Section; 2261A(2)(B) [Interstate Stalking] and Title 18, United States Code, Section 402 [Criminal Contempt] including information pertaining to the following matters:

- a. and communications between Facebook Account "James Daniel"
<https://www.facebook.com/profile.php?id=1329067103>, as well any secondary accounts , where it can be shown that James Daniel Hobgood accessed the internet for non work purposes in violation of a court order..
- b. The identity and whereabouts of those persons who created, used, or communicated with the Facebook account identified in Attachment A.

III. Means of Production

Facebook, Inc. shall disclose responsive data, if any, by sending to Homeland Security Investigations, C/O: Special Agent Gerald Faulkner at 3419 North Plainview Avenue, Fayetteville, Arkansas 72703 via U.S. Postal Service or another courier service, notwithstanding Title 18 U.S.C. 2252A or similar statute or code. Facebook, Incorporated must provide a

CERTIFICATION OF AUTHENTICITY with any and all records and information recovered pursuant to this search warrant.

ATTACHMENT C

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

STATE OF ARKANSAS

:
:
:
:

ss. A F F I D A V I T

COUNTY OF WASHINGTON

Affidavit in Support of Application for Search Warrant

I, Gerald F. Faulkner, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), currently assigned to the Assistant Special Agent in Charge Office in Fayetteville, Arkansas. I have been so employed with HSI since April 2009. As part of my daily duties as an HSI agent, I investigate criminal violations relating to crimes against persons utilizing the internet, child exploitation and child pornography including violations pertaining to the illegal production, distribution, online enticement, transportation, receipt and possession of child pornography. I have received training in the area of internet crimes against persons, child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of venues individuals utilize to harass and stalk persons via the internet as well as child pornography in all forms of media including computer media. I have also participated in the execution of numerous search warrants and arrest warrants, a number of which involved internet crimes against persons, child exploitation and/or child pornography offenses. This affidavit is being submitted based on information from my own investigative efforts as well as information obtained from others who have investigated this matter and/or have

personal knowledge of the facts herein.

2. This affidavit is being submitted in support of an application for a search warrant authorizing the search of the basic subscriber information (sometimes referred to as Neoselect); the expanded subscriber content (sometimes referred to as Neoprint); User Photos (sometimes referred to as Photoprint); Group Information; Private Messages and Internet Protocol Logs maintained by Facebook, Incorporated with a Security/Legal Compliance Department headquartered at 1601 Willow Road in Menlo Park, California 94025, specifically the accounts identified with the Facebook user IDs and/or usernames and addresses of:

“James Daniel” <https://www.facebook.com/profile.php?id=1329067103>.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook, Inc. to disclose to the government the requested records and other information in its possession. As such, your Affiant is requesting authority to search the social media account where the items specified in Attachment A may be found, and to seize all items listed in Attachment B as instrumentalities, fruits, and evidence of crime.

Statutory Authority

4. This investigation concerns alleged violation of Title 18, United States Code, Section 2261A(2)(B), relating to Interstate Stalking

- a. Under 18 U.S.C. Section 2261A(2)(B), it is a federal crime for any person with the intent to harass, intimidate or place under surveillance with intent to harass or intimidate, to use the mail, any interactive computer service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that causes,

attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person, that person's immediate family member; and/or a spouse or intimate partner of that person.

5. This investigation concerns alleged violation of Title 18, United States Code, Section 402, relating to Contempts Constituting Crimes

b. Under 18 U.S.C. 402, it is a federal crime for whoever willfully disobeys any lawful writ, process, order, rule, decree, or command of any district court of the United States.

Background Regarding Computers and the Internet

6. Your Affiant has become familiar with the Internet, which is a global network of computers and other electronic devices that communicate with each other using various means, including standard telephone lines, high-speed telecommunications links (e.g., copper and fiber optic cable), and wireless transmissions including satellite. Due to the structure of the Internet, connections between computers on the Internet routinely cross state and international borders, even when the computers communicating with each other are in the same state.

7. Individuals and entities use the Internet to gain access to a wide variety of information; to send information to, and receive information from, other individuals; to conduct commercial transactions; and to communicate via electronic mail ("e-mail") or Instant Messaging services (IM). An individual who wants to use the Internet must first obtain an account with a computer or cellular telephone that is linked to the Internet – for example, through a commercial service – which is called an "Internet Service Provider" or "ISP". Once the individual has accessed the Internet, whether from a residence, a university, a place of

business or via their cellular service provider, that individual can use Internet services, including sending and receiving e-mail and IM.

8. The Internet is a worldwide computer network that connects computers and facilitates the communication and the transfer of data and information across state and international boundaries. A user accesses the Internet from a computer network or Internet Service Provider (“ISP”) that connects to the Internet. The ISP assigns each user an Internet Protocol (“IP”) Address. Each IP address is unique. Every computer or device on the Internet is referenced by a unique IP address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 255. An example of an IP address is 12.345.678.901. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. The ISP logs the date, time and duration of the Internet session for each IP address and can identify the user of that IP address for such a session from these records, depending on the ISP’s record retention policies.

9. Computers as well create a “Log File” that automatically records electronic events that occur on the computer. Computer programs can record a wide range of events including remote access, file transfers, long/logoff times, systems errors, Uniform Resource Locator addresses (websites), unique searches performed on the Internet and various forms of electronic communications.

10. Computer files or remnants of such files can be recovered months or even years after they have been downloaded onto the hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little or no cost. Even when such files have been deleted, they may be recoverable months or years later using readily-

available forensic tools. When a person “deletes” a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space – that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space – for long periods of time before they are overwritten.

11. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user’s operating system, storage capacity, and computer habits.

12. The use of the Internet and more specifically electronic communications via the Internet provides individuals the ability to mask their true identities as well as their physical locations. Additionally, the use of the Internet provides individuals and their associates the ability to access social networking sites free of charge to further their criminal activity

Background Regarding Facebook Accounts

13. Based on my knowledge and experience and information obtained from other law enforcement personnel with training and experience in this area, the following is known about Facebook accounts:

- a. Facebook, Incorporated is a social networking website that provides electronic services to the general public free-of-charge.

- b. Stored electronic communications, including but not limited to status update history, shares, notes, wall postings, friend listing, groups listing, video listing, user photographs, group information and private messages for Facebook subscribers, may be located on Facebook's servers.
- c. Electronic communications are stored under the Facebook subscriber's profile or account on Facebook's servers. A particular message can remain on the Facebook server indefinitely, if the subscriber does not specifically remove it from their profile/account.
- d. A Facebook subscriber can store files, including but not limited to messages, wall postings, image files, video files and attachments, on the Facebook server under the subscriber's profile/account. If a subscriber has friends also utilizing Facebook profiles/accounts, they could transfer files to and from the various profiles/accounts.
- e. Facebook also maintains transaction information, including log records of Internet Protocol (IP) addresses, used to access accounts. A particular computer connected to the Internet is most commonly identified by an IP address and is usually traceable to a particular Internet Service Provider (ISP), who provides the user with their Internet connection.
- f. Facebook maintains subscriber information, which is provided when an individual creates a Facebook profile or account.
- g. Subscribers to Facebook profiles/accounts also have the ability to communicate with other Facebook profiles/accounts by means of Instant Message (IM) (also known as Chat) providing the subscribers real-time

communications. Facebook also maintains information regarding memory storage of IM sessions between profiles/accounts.

Summary of the Investigation to Date

14. On October 27, 2015, based on an ongoing Cyberstalking investigation, the United States Attorney's Office for the Western District of Arkansas along with your Affiant, presented James Daniel HOBGOOD's case to a federal Grand Jury. After hearing testimony, the Grand Jury voted and returned a True Bill as to one Count for violations of Title 18, United States Code, Section 2261. The Indictment was signed by the Foreperson on October 27, 2015 and filed with the United States Court for the Western District of Arkansas.

15. In November 2015, HOBGOOD was arrested on an outstanding warrant for violations of Title 18, United States Code, Section 2261 by HSI Richmond, Virginia. HOBGOOD was released from United States Marshals Custody on an order of Supervised Release and allowed to remain in Richmond, Virginia during the course of the ongoing criminal proceedings.

16. On January 11, 2016, HOBGOOD's Supervised Release Conditions were revisited by the United States District Court for the Western District of Arkansas and he was advised he was to have no internet access whatsoever to include anyone accessing his social media accounts on his behalf.

17. In April 2016, HOBGOOD withdrew his not guilty plea and pled guilty to One Count of Title 18, United States Code, Sections 2261A(2) – Stalking. The Plea Agreement was documented under Criminal Case Number 5:15CR50083-001 in the United States District Court, Western District of Arkansas, Fayetteville Division. Included in the Plea Agreement documentation of Admission of Factual Basis In Support of Guilty Plea, the Government and

HOBGOOD agreed to the facts of the case which could be proven and the elements to which HOBGOOD was pleading guilty. The Plea Agreement was signed by JAMES DANIEL HOBGOOD, Defendant, on April 12, 2016.

18. On September 13, 2016, HOBGOOD was sentenced by the Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas to twelve (12) months and one (1) day federal incarceration followed by three (3) years' supervised release documented under Criminal Case Number 5:15CR50083-001. The Judgement In a Criminal Case document outlined in the Special Conditions Of Supervision section that "The defendant (HOBGOOD) shall have no direct or indirect contact with the Victim, Karrie Burgess, or any family members, by any means, including by person, by telephone, by electronic mail, or by electronic social media."

19. Upon conclusion of HOBGOOD's sentencing, an immediate appeal was filed on his behalf and he was allowed to be monitored by the United States Probation Office on Supervised Release pending the outcome of his appeal. The same rules and conditions of supervised release were instructed and applied to HOBGOOD as outlined in the aforementioned documents. HOBGOOD was again allowed to live at his parents' residence located in Manakin Sabot, Virginia.

20. In mid to late December 2016, the United States Probation Office had HOBGOOD placed back into custody of the United States Marshals Service for violating the terms and conditions of his supervised release.

21. On January 23, 2017, HOBGOOD appeared before Judge Brooks for a bond revocation hearing. At the conclusion of the hearing, HOBGOOD was found to be in violation of his conditions of supervised release and ordered to start serving his prison sentence while

awaiting the status of his pending appeal. HOBGOOD was also found and ordered to be held in Contempt of Court by Judge Brooks for his believed continued usage of the internet and his believed continued online harassment of the Victim.

22. In May 2017, HOBGOOD withdrew his not guilty plea and pled guilty to One Count of Title 18, United States Code, Section 401(3) – Criminal Contempt. The Plea Agreement was documented under Criminal Case Number 5:17-CR-50024 in the United States District Court, Western District of Arkansas, Fayetteville Division. Included in the Plea Agreement documentation of Admission of Factual Basis in Support of Guilty Plea, the Government and HOBGOOD agreed to the facts of the case to which could be proven and the elements to which HOBGOOD was pleading guilty. The Plea Agreement was signed by JAMES DANIEL HOBGOOD, Defendant on May 9, 2017.

23. On May 9, 2017, HOBGOOD was sentenced by Judge Brooks to three (3) months federal incarceration followed by one (1) year supervised release documented under Criminal Case Number 5:17-cr-50024. HOBGOOD's Criminal Contempt conviction was set to run consecutively to his term of imprisonment imposed in Criminal Case Number 5:15CR50083-001. The Judgement In a Criminal Case document outlined in the Special Conditions Of Supervision section that "The defendant (HOBGOOD) shall have no direct or indirect contact with the Victim, or any of her family members, by any means, including by person, by telephone, by electronic mail, or by electronic or social media". The section further stated "Except for purposes of employment, the defendant shall not possess, use, or have access to a computer or any other electronic device that has Internet capabilities, without prior advance notice and approval of the U.S. Probation Office."

24. In June 2017, after having been sentenced on his Criminal Contempt charges and the conclusion of his criminal proceedings in the Western District of Arkansas, HOBGOOD was transferred to the custody of the United States Bureau of Prisons located in Petersburg, Virginia to serve the remainder of his sentence.

25. In August 2017, the United States Court of Appeals for the Eighth Circuit denied HOBGOOD's appeals and argument to dismiss the indictment based on his claims the statute cannot be applied to his conduct without violating the First Amendment. The Eighth Circuit Appeals Court affirmed the decision of the district court citing HOBGOOD's actions and violations of the interstate stalking statute also constituted extortion.

26. In January 2018, HOBGOOD completed the term of his imprisonment and was released to begin his three (3) years of supervised release overseen by the United States Probation Office from the Eastern District of Virginia under the guidelines of all of the Special Conditions Of Supervision.

27. In February 2018, your Affiant was notified that reporters from the Northwest Arkansas Democrat-Gazette received the following correspondences, via the Internet, from HOBGOOD at the email address of hobgood.dan@gmail.com:

**"February 20, 2018
To: Ron Wood**

Much earlier than four score and seven years ago, Abraham Lincoln offered the following, simple advice as a lawyer: that whenever justifiable, "[d]iscourage litigation." In the interest of avoiding just that, I am writing to request, as politely as possible, that you remove from your website some unflattering material published about me. In fact, the material -- written and photographic -- is not only intensely embarrassing, but also, crucially, defamatory. If you question how, I will gladly explain to your complete satisfaction.

In the coming weeks, I will be filing lawsuits to vacate my wrongful convictions and to seek damages from the parties responsible for my unjust prosecution and the propaganda related thereto. When I do, you will be able to see just how much I was the real victim of this saga. (A Google search of the alleged victim's name -- Karrie Burgess -- will produce a fair amount of

corroborating evidence as is.) Meanwhile, if my present request is one you are willing to accommodate, please do so by the end of this calendar month. Again: Should you have any questions, etc., don't hesitate to contact me.

I hope that you willingly choose to do the right thing and remove all references to me from your website. Already, the extent of the harm caused by what's online is incalculable. I am eager to be able to restore my reputation – a reputation I never should have been in a position to have to repair.

Thank you for your courteous consideration.

P.S. Surely, Google and other search providers will have to eliminate cyber “footprints” on their end. Rest assured: I will be contacting them as well to request that they accommodate me too.”

“February 20, 2018

To: Lisa Thompson

The story is anything but accurate, as I now need to document for my attorneys' satisfaction.

The *real* story, importantly, is as follows: In 2014, while dating Ms. Burgess in what was supposedly an exclusive relationship, I discovered that she was leading a secret double life – whereby she was engaged to another man, dating other men besides them even, and operating as an escort in our hometown of Richmond, Virginia. When I in good conscience publicized the truth I'd uncovered to the fiancé and other people Burgess had been deceiving, she exacted revenge by levying false criminal accusations against me – up to and including that I had sexually assaulted her. Consistent with political correctness, the federal agents whom Burgess enlisted to help her assumed that she was credible and presumed me guilty of what she had alleged. By the point that they realized she was *incredible*, these agents, rather than honorably admit an earnest mistake, dishonestly refused to acknowledge that they'd wasted their time, energy, and taxpayer money on a wild goose chase. To avoid corresponding embarrassment, they prosecuted me for an “offense” I'd never heard of, although I am a juris doctor: something preposterously called “cyberstalking.” *As* preposterously, the agents purported that I had “cyberstalked” Ms. Burgess *because I had told the truth about her fraudulent activities and sought an apology from her for the heinous, injurious lies she'd told to and about me*. Subsequently, I submitted to plea agreements only because the government masterfully frightens defendants into submission by threatening lengthy terms of incarceration should unpredictable trials happen to result in convictions. (Ironically for a system rooted in the idea of Presumption of Innocence, the sole party with anything meaningful at risk throughout criminal proceedings is the accused.) Nevertheless, I had not threatened, stalked, or defamed anybody – at any time. (On the contrary, I had *been* threatened, stalked, and defamed by Ms. Burgess and associates of hers.)

Yet, in your news stories about me, I have been portrayed as someone who committed criminal acts that I absolutely did not commit, and in some cases, was not even accused of. In the articles published specifically in January 2017, Ron Wood wrote that I was guilty of “ongoing cyber stalking” and of “continuing to harass” Ms. Burgess. In reality, I hadn't contacted her since

before I was first under federal investigation in 2015. The government and the judge sought to jail and prosecute me further so as to suppress what was for them the very inconvenient truth about their actually criminal conduct. Moreover, the “[condition] of his release [that] included . . . he not use social media” has since been ruled unconstitutional by the Supreme Court. (See *Packingham v. North Carolina*.) Thus, the High Court, by a unanimous decision no less, decreed that the basis for my contempt prosecution was unlawful.

Of further (and perhaps primary) concern, your articles contain an unflattering booking photo of me that constitutes an invasion of personal privacy as severe as the Erin Andrews peephole video that landed its broadcaster in prison. Unlike anything I posted online about Ms. Burgess to correct her misrepresentations, this photo was taken without my consent and, otherwise, without justifiable reason. I had done nothing wrong and, ergo, was unlawfully arrested and incarcerated.

So, again, I request, as politely as possible at the current time, that you remove any and all material about me from your publication. Thank you for your compliance.”

**“February 27, 2018
To: Lisa Thompson**

I see that your defamatory, offensive story about my unlawful prosecution has not yet been removed from the Internet. Just a reminder: After tomorrow, I'm going to be much more adversarial about this. (Observe the litigious adjective in my previous sentence.)

Good day.”

28. In March 2018, the United States Attorney's Office for the Western District of Arkansas was alerted by a Department of Justice (DOJ) official that HOBGOOD, through his Facebook account of “Dan Hobgood”, had reached out to the employee's personal Facebook profile account via private messaging to which they did not respond. The DOJ official previously knew HOBGOOD from law school and was aware of his convictions and internet restrictions and contacted the Western District of Arkansas. It was also revealed by the reporting official that HOBGOOD was posting publicly accessible messages on his Facebook account to other online friends or users regarding his case of “Yeah – I've been to Hell and back” and “The story will be good when justice is served – and I am hard at work toward that end as we write”.

29. In June 2018, your Affiant received notification HOBGOOD filed an approximate fifty-four (54) page Motion To Set Aside, Correct, or Vacate Under 28 U.S.C. 2255 where he basically outlined judicial bias, government misconduct, a miscarriage of justice along with numerous self-serving allegations against the Victim, District Court Judge Timothy L. Brooks and Government officials involved in his prosecution. HOBGOOD also filed an approximate six (6) page Motion To Disqualify Under 28 U.S.C. 455 arguing that the judges who have presided over his criminal proceedings must recuse themselves from any further “litigation” involving his case.

30. In June 2018, your Affiant was again notified a reporter from the Arkansas Democrat-Gazette received the following additional correspondence, via the Internet, from HOBGOOD at the email address of hobgood.dan@gmail.com:

**“June 12, 2018
To: Lisa Thompson**

I see that the defamatory and private material you published about me is **still** online. As of now, I have filed a 2255 Motion to vacate my illegal convictions. (You can access it through the courts.) I'm meeting with lawyers soon to begin the process of bringing forth defamation and similarly civil suits. Not for the first time, and not for the first time in writing, I **strongly** recommend that you remove the content that remains available online. You are in breach of the law.”

31. In June 2018, your Affiant was informed HOBGOOD's 28. U.S.C. 2255 Motion was sealed by the United States District Court for the Western District of Arkansas. HOBGOOD in return filed an Objection To Order Dated May 30, 2018 where he argues the judge's order to seal his document is “arbitrary, capricious, despicable, unjust and illegal”. Contained within the Objection, HOBGOOD outlines his intentions of utilizing these court filings to “humiliate *them*” and “broadcast his (Judge Brooks) wretched behavior as loudly as possible”. HOBGOOD also makes mention of his internet postings (Randall Stephens Blogspot.com) that discredits the

Victim's statements made to law enforcement and because of his "quest for justice" and these online articles, "Literally thousands of people know what she did. Thousands more undoubtedly soon will. Already, she has nowhere to hide from the consequences of her actions. Nor do her accomplices". Also contained within HOBGOOD's Objection was a section where he promotes for Judge Brook's death by writing, "Hence, in all likelihood, true advocates of justice will have to hope that the heart attack surely coming to claim Brook's life (far too mercifully) comes very quickly indeed – to prevent him from unlawfully persecuting anybody else in the future".

32. In March 2018, after being alerted by a DOJ official of HOBGOOD's online social media postings to his Facebook account of "Dan Hobgood", his federal probation officer was notified of his violations regarding his internet restrictions outside of employment purposes. Following notification to his federal probation officer, HOBGOOD's Facebook account was changed from "Dan Hobgood" to "James Daniel" and HOBGOOD has continued to create multiple postings to his profile and others' profiles spanning monthly from March 2018 to present. Based on the totality of HOBGOOD's actions throughout the course of the investigation and his ongoing aggressive rhetoric towards the Victim, United States Judges and Government officials, your Affiant continued monitoring of HOBGOOD's publicly accessible Facebook account. The investigative actions were also being conducted due to the internet restrictions set upon HOBGOOD during his three (3) years of supervised release from prison.

33. A review of HOBGOOD's publicly accessible "James Daniel" Facebook postings by your Affiant revealed the account to have a profile image and uploaded photographs of one in the same James Daniel HOBGOOD who was federally convicted in Criminal Case Numbers 5:17-cr-50024 and 5:15CR50083-001. The following are posts of investigative interest to the ongoing investigation and evidence HOBGOOD continues his online harassment of the Victim:

- **Profile: James Daniel**
Date: April 8, 2018

HOBGOOD shares a post of “We owe no morality to those who hold us under a gun” to which HOBGOOD commented, “Amen.”

- **Profile: James Daniel**
Date: May 4, 2018

HOBGOOD shares a post of “Defiance, Not Obedience, Is The American’s Answer To Overbearing Authority” to which HOBGOOD commented, “Yes! *Are* you listening, (disgusting) leftists?!”

- **Profile: James Daniel**
Date: May 18, 2018

HOBGOOD shares a post of “Is Mueller Investigating A Crime Or Going In Search Of A Crime? One Is Police Work, The Other Is Characteristic Of A Police State” to which HOBGOOD commented, “The worst part about 9/11 is what we’ve allowed our government to become after 9/11.”

- **Profile: James Daniel**
Date: June 24, 2018

HOBGOOD posts the comment, “Never. Trust. Anybody. (Sad but true: Life’s safer that way.)” HOBGOOD also replies to a friend’s response to his post with the comment, “Trust the government least of all. I know from experience: The government is filled with *savages*.”

- **Profile: James Daniel**
Date: September 16, 2018

HOBGOOD posts two separate responses to a Facebook page hosted by political profile blogger Dr. “Michael Hurd” referencing a posted online article entitled, “California Professor Christine Ford claims Kavanaugh sexually assaulted her: It derailed me.”

INVESTIGATORS NOTE: *The “Michael Hurd” Facebook profile shows to have approximately 5,000 online friends and approximately 16, 318 followers who have access to view HOBGOOD’s post.*

- (1) “How many bogus claims do we need before we stop condemning men merely on the basis of accusations? I’ll counter this woman’s allegation against Kavanaugh with one of my own – of the opposite variety. I personally know of one federal judge who has obstructed justice to help a woman lie about sexual assault (among other things). Shocker: The judge was an Obama appointee. Unlike Kavanaugh’s accuser, I’ve

been outspoken about what happened since the time of, and I can prove what I'm alleging beyond reasonable doubt."

- (2) A followup to my earlier message. I've just submitted the following email to my Senators, Tim Kaine and Mark Warner – both Democrats. (Kaine, Clinton's running mate, is up for reelection in November.) ... Senator Kaine/Warner: Inspired by Judge Kavanaugh's accuser, I am choosing to alert you, my U.S. Senator, about misconduct by another federal judge. In my case, the judge is guilty, not of sexual misconduct, but instead, of obstructing justice to help a devious woman lie about sexual misconduct (among other things). I hope you will do the right thing and help me bring the parties responsible to justice – but I am worried that you won't help, because the judge is a fellow Democrat and because the truth doesn't conform to a politically correct narrative. Regardless, two important things distinguish me from Judge Kavanaugh's accuser: (1) I've been outspoken about what happened since the time of, and (2) I can prove what I'm alleging beyond reasonable doubt. (All you have to do is ask me to!)

- **Profile: James Daniel**
Date: September 17, 2018

HOBGOOD posts the comment, "Facebook friends: Inspired by Judge Kavanaugh's accuser, I have contacted Senators Kaine and Warner (plus others) to report that another federal judge is guilty of egregious criminal conduct. My worry is that Virginia's senators will not be nearly as interested in bringing *him* to justice because *he*, unlike Judge Kavanaugh, is an Obama-appointed Democrat. Additionally, what the Democrat judge is guilty of isn't sexual misconduct, but, instead obstruction of justice to help a woman *lie* about sexual misconduct (among other things). Crucially, three particular facts distinguish me from Judge Kavanaugh's accuser – (1) I've been outspoken about what happened ever since it did, (2) I can prove what I'm alleging beyond reasonable doubt, and (3) the judge I accuse of misconduct did what he did, not decades ago in his youth but, rather, while serving in his capacity as a federal judge. Now – bear in mind that Senator Kaine is up for reelection in November. Should he fail to do the right thing and set partisanship aside, I hope that those of you here in the Old Dominion will remember this at the voting booth.

- **Profile: James Daniel**
Date: September 18, 2018

HOBGOOD post the comment, "An Open Letter to Senator Dianne Feinstein... Senator Feinstein: Inspired by Judge Kavanaugh's accuser, I am choosing to alert you about misconduct by another federal judge. In this instance, though, the judge is guilty, not of sexual misconduct, but, instead, of obstructing justice to help a devious woman lie about sexual misconduct (among other things). I hope that you will do the right thing and help me bring the parties responsible to justice – but I am worried that you won't help, because the judge is a fellow Democrat and because the truth doesn't conform to a politically correct narrative. Regardless, three important things distinguish me from

Judge Kavanaugh's accuser: (1) I've been outspoken about what happened ever since it did, (2) I can prove what I'm alleging beyond reasonable doubt, and (3) the judge I accuse of misconduct did what he did, not decades ago in his youth, but, rather, while serving in his capacity as a federal judge. I am available for a conversation *whenever convenient for you,* and I am willing to appear before Congress to testify about the subject of this memorandum – tentatively, on one condition: that those I'll implicate be summoned to testify under oath as well. To conclude, I have no idea whether Judge Kavanaugh's accuser is telling the truth. However, my story is (yet further) proof that people *do* lie and *have* lied about sexual assault. This fact should be generous food for thought...P.S. For the sake of accountability, I am sharing the content of this correspondence with the public at large.

- **Profile: James Daniel**
Date: September 24, 2018

HOBGOOD posts a response to a Facebook page hosted by political profile blogger Dr. "Michael Hurd" referencing a post about a personal story of a man he knew who had been falsely accused of harassment and sexual assault.

"All too well, I understand. In 2014, I discovered that a woman I'd been dating was leading a secret double life, whereby she was engaged to another man, dating other men besides him and me even, and operating as an escort in my hometown of Richmond, Virginia. When I in good conscience publicized the truth I'd uncovered to the fiancé and other people this woman had been deceiving, she exacted revenge by levying false criminal accusations against me – up to and including that I had sexually assaulted her. Consistent with political correctness, the federal agents whom the (mixed-race) woman enlisted to help her assumed that she was credible and presumed me, not innocent, but guilty of what she had alleged. By the point that they realized she was *in*credible, these agents, rather than honorably admit an earnest mistake, dishonestly refused to acknowledge that they'd wasted time, energy, and taxpayer money on a wild goose chase. To avoid corresponding embarrassment, they prosecuted me for and "offense" I'd never heard of, although I am a law school graduate: something preposterously called "cyberstalking" – on the basis *as* preposterously, that I'd told the truth about the woman's fraudulent activities and sought an apology from her for the heinous lies she'd told to and about me. Unlike she (and others), I hadn't done anything uncivil, *i.e.,* forceful. Because the government masterfully subdues defendants into plea agreements (by threatening lengthy terms of incarceration), I spent a year of my invaluable life locked behind bars. Obviously enough, our country desperately needs to rediscover its first principles...."

- **Profile: James Daniel**
Date: September 27, 2018

HOBGOOD posts four (4) separate messages along with an attached website link to a Facebook page hosted by political profile blogger Dr. "Michael Ford" referencing a

posted online article entitled, “True or False: NOBODY Would EVER Lie About Sexual Assault”

(1) “Some women *do* lie – and some help women get away with it. My story ... <http://phantomforjustice.blogspot.com/.../the-case...>” HOBGOOD also uploaded an attached website link to an online article entitled “The Case Against Karrie Burgess Claybrook (and Her Accomplices)”

INVESTIGATORS NOTE: The link HOBGOOD uploaded for the online article is one in the same blog authored by the fictitious profile of “Randall Stephens” through the administrator email address of mister.randall.stephens@gmail.com. Investigative efforts conducted between January 2017 and February 2017 proved the “Randall Stephens” profile was created and utilized through an IP address registered to HOBGOOD’s parents’ residence in Manakin Sabot, Virginia. This same blogspot.com article was one of the factors and items of evidence utilized to convict HOBGOOD on his Criminal Contempt charges for his continued online harassment of the Victim.

(2) “...and a corporate officer for Walmart in Arkansas, with ties to Loretta Lynch”

(3) “...and ‘Jackie’, of UVA/ROLLING STONE infamy”

(4) “Karen Davis – scary. Via the link I provided, you can see the most outrageous false allegation of sexual assault I’ve ever heard of. I hope that, very soon, the full record is available. It’s even more alarming. (The matter is now being litigated, in civil suits.)”

34. HOBGOOD has proven throughout the course of the ongoing investigation, his criminal proceedings, his federal convictions and his release from incarceration to blatantly ignore the rules, orders, regulations and advice set forth by law enforcement and the courts and continues to publically cause emotional distress to the Victim based on his online postings. HOBGOOD, since his release prison has, with the intent to harass or intimidate, use interactive computer services or electronic communication systems of interstate commerce, to engage in a course of conduct that causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to the Victim.

35. Therefore, based on the facts above, your Affiant respectfully request that a search warrant be issued for the Facebook, Inc. profile account of “**James Daniel**”

<https://www.facebook.com/profile.php?id=1329067103> for violations of Title 18, United States Code, Section 2261A(2)(B).

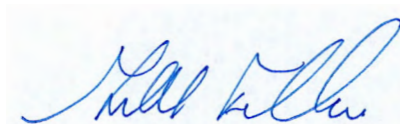
Execution of the Search Warrant

36. Because the Facebook, Incorporated servers containing the information and evidence are located outside of the Western District of Arkansas, your Affiant will not physically execute this search warrant at Facebook, Inc. in Menlo Park, California. Instead, a copy of the search warrant will be uploaded to the Facebook, Inc. Security/Legal Compliance Department located in Menlo Park, California via the Facebook, Inc. law enforcement portal.

37. Upon receiving the copy of the search warrant the Facebook, Inc. Security/Legal Compliance Department will ensure that the requested records are recovered from their servers in a manner consistent with the preservation and handling of evidentiary material. The execution of the search warrant in this manner will ensure that Facebook's business operation is uninterrupted by the otherwise physical execution of a search warrant by law enforcement and provides the least intrusion manner for all parties involved.

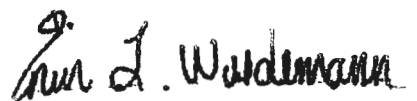
Conclusion

38. Based on the foregoing information, probable cause exists to believe there is located on the computer servers of Facebook, Inc., evidence of violations of Title 18, United States Code, Section 2261A(2)(B). Your Affiant prays upon his honorable court to issue a search warrant to Facebook, Inc. for the items set forth in attachment "B" (which is attached hereto and incorporated herein by reference), that constitute evidence, fruits, and instrumentalities of violation of Title 18, United States Code, Sections 2261A(2)(B).



Gerald Faulkner, Special Agent
Homeland Security Investigations

Affidavit subscribed and sworn to before me this 18th day of December 2018



Erin L. Wiedemann
United States Magistrate Judge